

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LEON WILSON

PLAINTIFF,

VS.

CITY OF AKRON,

DAN HARRIGAN IN

HIS OFFICIAL CAPACITY)

AS MAYOR OF AKRON,

AND VITO SINOPOLI

IN HIS OFFICIAL CAPACITY

AS CHIEF OF POLICE

FOR THE BATH TOWNSHIP)

POLICE DEPT.

DEFENDANTS

Civil ACTION NO: 5:19 CV 156

Judge: Hon. Judge ADAMS

MAG: Judge Burke

AMENDED COMPLAINT

1. The City of AKRON HAS ENACTED AN  
C<sup>o</sup> (ANTI-PANHANDLING ORDINANCE) ENTITLED  
DISTRIBUTION IN THE RIGHT OF WAY WHICH  
RESTRICTS AND CRIMINALIZES THE PLAINTIFF  
RIGHTS TO EXPRESS HIMSELF AND HIS NEED  
TO OTHERS. PLAINTIFF ASKS THIS COURT  
TO PROVIDE HIM REDRESS FROM THIS  
ORDINANCE THAT IS UNCONSTITUTIONAL  
AND LIMITS HIS FREE SPEECH ON THE BASIS OF



ITS' CONTENT.

### JURISDICTION

2. THIS COURT HAS JURISDICTION OVER THIS MATTER PURSUANT TO ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES AND 28 U.S.C. 1331 AND 1343(3) AND(4). THE RELIEF SOUGHT IS AUTHORIZED BY THE CONSTITUTION OF THE UNITED STATES, 42 U.S.C. 1983 AND OTHER LAW.

### VENUE

3. THIS COURT IS AN APPROPRIATE VENUE FOR THIS CAUSE OF ACTION PURSUANT TO 28 U.S.C. 1391(b) AND (b)(2). THE ACTIONS GIVING RISE TO THIS SUIT TOOK PLACE IN THIS JUDICIAL DISTRICT. DEFENDANT CITY OF AKRON IS LOCATED WITHIN THIS JUDICIAL DISTRICT AND DEFENDANTS MAYOR HERRIGAN AND CHIEF SINOPOLI SUED IN THEIR OFFICIAL CAPACITY WORK IN THIS JUDICIAL DISTRICT.



PARTIES

4. PLAINTIFF LEON WILSON HAS BEEN SOLICITING IMMEDIATE DONATIONS FROM MOTORISTS BY HOLDING A SIGN "(PANHANDLING)" AND ASKING FOR HELP FOR YEARS IN THE BATH TOWNSHIP COMMUNITY TO HELP SUPPORT HIMSELF, (2) CHILDREN AND WIFE. PLAINTIFF IS CURRENTLY UNEMPLOYED, DISABLE AND RECEIVES SOCIAL SECURITY. AS A RESULT OF PLAINTIFF FINANCIAL SITUATION AND LIMITED INCOME, PLAINTIFF HOLDS A SIGN IN THE BATH TOWNSHIP COMMUNITY DAILY AND ASK FOR HELP FROM MOTORISTS TO BETTER SUPPORT HIMSELF AND FAMILY. PLAINTIFF LEON WILSON, IS THE PLAINTIFF IN THIS CAUSE AND IS LOCATED AT 788 YALE STREET AKRON, OHIO 44311, Phone: 330-329-1465.



Defendants

5. Defendant City of Akron is a MUNICIPAL CORPORATION Located at 166 South High St. AKRON, OHIO 44308, Phone: 330-375-2345

6. Defendant Dan Horrigan is The MAYOR OF THE CITY OF AKRON. AS MAYOR, HORRIGAN is The executive Head OF The City OF AKRON, Located at 166 South High Street, AKRON, OHIO 44308 Phone: 330-375-2345.

7. Defendant Vito Sinopoli is The Chief OF Police FOR THE BATH TOWNSHIP Police Dept. AS Chief OF Police, SINOPOLI Oversees The ACTIVITIES OF The Bath Township Police Dept, Located at 3864 W. BATH Road, AKRON, Ohio 44333. Phone: 330-666-3736.

## FACTS

8). ON or about December 11, 2018, defendant (CITY OF AKRON) ENACTED A NEW ANTI-PANHANDLING ORDINANCE "ENTITLED DISTRIBUTION IN THE RIGHT OF WAY" FOR ALL SUMMIT COUNTY TOWNSHIPS ONLY, INCLUDING BATH TOWNSHIP COMMUNITY WHICH MAKES ACCEPTING OR RECEIVING DONATIONS WHEN HOLDING A SIGN AND ASKING FOR HELP FROM MOTORISTS IN THE RIGHT OF WAY IS A CRIME AND PUNISHABLE AS A 4TH DEGREE MISDEMEANOR FOR THE FIRST VIOLATION.



STATEMENT OF CLAIM

9. ON or about December 13, 2018 while PLAINTIFF WAS holding a "SIGN" ASKING FOR HELP FROM MOTORISTS ON Cleveland-Massillon Road IN THE BATH TOWNSHIP COMMUNITY, Bath township Police OFFICER CAR #18, APPROACHED PLAINTIFF AND INFORMED PLAINTIFF THAT HE could NO LONGER Receive OR ACCEPT GIFTS OR DONATIONS FROM MOTORISTS IN THE RIGHT OF WAY under the New City OF AKRON ordinance, AND that PLAINTIFF could be cited a ticket, Arrested, or TAKEN TO JAIL under the new Ordinance. The BATH TOWNSHIP OFFICER THEN TOLD PLAINTIFF HE HAD TO Leave, AND Proceeded TO Pull his CRUISER IN FRONT OF PLAINTIFF TO PREVENT MOTORISTS GIVING PLAINTIFF ANY DONATIONS.



10. ON or about December 19, 2018 defendant chief SINOPOLI APPROACHED PLAINTIFF WHILE HE WAS HOLDING A "SIGN" ASKING FOR HELP ON CLEVELAND-MASSILLION ROAD IN THE BATH TOWNSHIP COMMUNITY AND ORDERED PLAINTIFF TO LEAVE AND NEVER RETURN TO BATH TOWNSHIP. defendant SINOPOLI INFORMED PLAINTIFF THAT PANHANDLING IN THE RIGHT OF WAY AND ACCEPTING GIFTS OR DONATIONS FROM MOTORISTS WAS UNLAWFUL AND NOWA CRIME UNDER THE NEW ORDINANCE AND THAT HE COULD HAVE ME ARRESTED AND TAKEN TO JAIL. PLAINTIFF INFORMED defendant SINOPOLI THAT UNDER THE U.S. CONSTITUTION HE HAD A FIRST AMENDMENT RIGHT OF FREE SPEECH. defendant SINOPOLI THEN ORDERED HIS OFFICERS TO PULL THEIR CRUIZERS IN FRONT OF TRAFFIC TO PREVENT MOTORISTS FROM GIVING PLAINTIFF DONATIONS.



CAUSES OF ACTION

COUNT ONE

CONSTITUTIONAL CIVIL RIGHTS

PURSUANT TO 42 U.S.C. 1983

VIOLATION OF FIRST Amendment  
AND OHIO CONSTITUTION.

(AGAINST ALL DEFENDANTS)

11. Speech that communicates a need, asks for help and or requests charity is fully protected free speech under the United States and Ohio Constitutions.

12. The City of Akron's New<sup>to</sup> Anti-PANHANDLING<sup>99c</sup> ordinance entitled DISTRIBUTION IN THE RIGHT OF WAY<sup>99</sup> HAS HARMED AND CONTINUES TO HARM PLAINTIFF BY INTERFERING WITH HIS ABILITY TO FREELY communicate his needs to the BATH TOWNSHIP COMMUNITY.



13. The UNCONSTITUTIONAL RESTRICTIONS OF THE CITY OF AKRON'S NEW ORDINANCE HAVE INJURED PLAINTIFF AND CAUSED HIM TO SUFFER UNDUE FINANCIAL HARDSHIP FOR HIMSELF AND FAMILY MAKING PLAINTIFF ENTITLED TO RELIEF UNDER FEDERAL AND STATE LAW.

14. The UNCONSTITUTIONAL RESTRICTIONS OF THE CITY OF AKRON'S NEW ORDINANCE HAS CAUSED AND WILL CONTINUE TO CAUSE "IRREPARABLE" HARM TO PLAINTIFF'S RIGHTS.



PRAYER FOR RELIEF

15. PLAINTIFF respectfully moves THIS Honorable COURT TO enter JUDGEMENT AGAINST defendants CITY OF AKRON, Mayor HORRIGAN, AND Chief SINOPOLI for the following relief;

A). DAMAGES IN WHATEVER AMOUNT PLAINTIFF IS ENTITLED TO;

B). Declaratory Relief;

(1) INJUNCTIVE Relief;

C). (2) Punitive DAMAGES;

D). COST OF THIS LITIGATION;

E). Such OTHER AND FURTHER Relief AS The Court deems APPROPRIATE.

PLAINTIFF SO PRAYS.  
Leon Wilson

LEON Wilson, PRO SE  
788 YALE STREET

DATE: 1 1 1 — AKRON Ohio 44311, Phone 330-329-1